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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,155	10/06/2003	Paul Hayward Kelly	DIX002-155	5740

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EXAMINER	
KUMAR, RAKESH	
ART UNIT	**PAPER NUMBER**
3654	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/678,155	**Applicant(s)** KELLY ET AL.
	Examiner Rakesh Kumar	**Art Unit** 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-33 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on 06 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/06/2003.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9,14-16,17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittern, Jr, et al. (U.S. Patent Number 6,302,293) in view of O. T. Thompson et al. (U.S. Patent Number 2,359,398) and in further view of Percy et al. (U.S. Patent Number 5,651,476).

3. Referring to claims 1,14,16 and 28. Wittern discloses a method and an apparatus of a vending machine 10 comprising: a cabinet frame 12 including top, bottom, side and rear walls that collectively define a central cavity (Figure 1A); a door pivotally mounted to the cabinet frame 12, said door being selectively movable between an open condition, wherein access to the central cavity is permitted for loading of product containers 8 into the vending machine 10, and a closed condition, wherein dispensing of product containers 8 is permitted; and a plurality of column walls 20A-20H arranged within the cabinet frame 12 and separating the central cavity into a plurality of product stack areas C1-C7, each of said plurality of column walls 20A-20H being

formed from a material sheet (Col. 7 line 60) a having top, bottom and side edges that define a substantially planar wall surface 20A-20H (Figure 1 and 3).

Wittern does not disclose the wall surface including a plurality of integrally formed stiffening elements extending between the side edges and an alignment member for positioning product.

Thompson discloses shelves 34 constructed using thin sheet metal for vending flat articles. Each shelf 34 is stamped to provide a peripheral bead 35 and a plurality of diagonally extending ribs 36 between the side edges, which serve to reinforce the shelf. Members 35 and 36 serve to minimize bowing of the shelf walls under a weight of the product containers.

Thompson does not disclose of an alignment member integrally formed on the wall surface for positioning product.

Percy discloses a deflection plate 70 acting as an alignment member integrally formed of the wall surface 44 in guide containers 38 (Figure 4, Col. 5 line 12-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the column wall of Wittern, to include integrally formed reinforcing structures members as taught by Thompson to minimize bowing and warping under stress from the weight of the containers. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the alignment structure 60, as shown in Wittern to be integrated integrally in the column wall as taught by Percy to reduce material and cost of the vending machine.

In regards to claim 28, although Wittern, Thompson and Percy do not explicitly disclose a method of using their apparatus, the method steps recited in the claim would inherently be performed when using the apparatus of Wittern as modified by Thompson and Percy as discloses above in its usual and expected fashion.

4. Referring to claim 15. See claim 1. Wittern as modified by Thompson teaches reinforcing stiffener structure 36 takes the form of two diagonals crossing (Figure 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wittern by the teaching of the Thompson and include an additional reinforcing stamped bead crossing the two diagonals in the center and form of an asterisk shape structure. By adding more stamped reinforcing members on the planar surface the strength of the column wall to resist loading forces can be increased.

5. Referring to claim 2. In regards to claim 2, Wittern disclose a vending machine 10 wherein each of the plurality of column walls 20A-20H includes top *(region extending from member 22A through just below member 36 at the rectangular cutouts; see Figure 3)*, intermediate portions *(region between rectangular cutouts through top of member 24A)* and bottom *(region including the length of member 24A)*, said top and intermediate portions defining a storage region and said bottom portion defining a dispensing region (Figure 1 and 2).

6. Referring to claim 3. In regards to claim 3, Wittern as modified by Thompson teaches of stamping an arcuate configuration in the planar surface of the shelf member 34. The reinforcing extends across the entire planar surface of the shelf.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the column wall as taught by Wittern, by the teaching of Thompson and include a plurality of stiffening elements that extent across the surface in the three regions and separately enclosed in the individual top, bottom and intermediate portions of the column wall. As a result the reinforcing elements can be increased depending on the size of the column wall and the load carried by the separate sections thus making the column wall resistant to bending.

7. Referring to claim 4. See claim 3. In regard to claim 4, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the column wall as taught by Wittern, by the teaching of Thompson, and include individually placed decoupling stiffening members 35 and 36 in each of the top, bottom and intermediate portion of the column walls. The stiffening member 35 and 36 would act in minimizing the forces transferred to the bottom portion of the dispensing area.

8. Referring to claim 5. See claim 1. In regards to claim 6, Wittern as modified by Thompson teaches the alignment member 70 in the column wall 44 separates the bottom portion from the intermediate portion only through narrow web members through which only a single container 38 can pass (Figure 4).

Referring to claims 6 and 8. Wittern as modified by Percy discloses the alignment member 70 formed in the dispensing region (Figure 4).

9. Referring to claims 7 and 9. Wittern as modified by Percy discloses the alignment member 70 includes a guide element surface (curved surface of the alignment member) wherein the guide element surface being adapted to guide the product container 38 away from the column wall 44 and toward the front flange 48. (Figure 4, Col 5 line 12-20).

10. Referring to claim 17. In regards to claim 17, Wittern as modified by Thompson teaches the material used to manufacture the shelf wall as a "thin sheet metal" (Col. 3 line 10). It is broadly construed and generally understood to mean a range of thickness that allow the material to be supported by its own weight and not being excessively thick as to make the stamping process effective, thus its is understood that 16 gauge sheet metal is within the range of materials as is discloses by the teaching of Thompson. Such a selection would be well within the level of skill of an artisan.

11. Claims 11-13,18-23, 24-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittern, Jr, et al. as modified by Thompson and Percy as

applied to claim 1 above, and further in view of Newbury (U.S. Patent Number 4,498,584).

12. Referring to claims 11,12,18,20, 22, 24 and 31. See claims 1 and 5. Newbury discloses a plurality of stiffening elements 1 defining an elongated, narrow slot extending from bottom to the top of the side wall 3 (Figure 3, Col. 7 line 21-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wittern by the teaching of Newbury and incorporate the elongated, narrow slot stiffening elements oriented in the horizontal direction from one side edge to another in the column wall to increase the its loading strength. Such a selection would be well within the level of skill of an artisan.

In regards to claim 31, although Wittern, Thompson, Percy, Newbury do not explicitly disclose a method of using their apparatus, the method steps recited in the claim would inherently be performed when using the apparatus of Wittern as modified by Thompson Percy and Newsbury as discloses above in its usual and expected fashion.

13. Referring to claim 19. In regards to claim 19, Wittern disclose a vending machine 10 wherein each of the plurality of column walls 20A-20H includes top *(region extending from member 22A through just below member 36 at the rectangular cutouts; see Figure 3)*, intermediate portions *(region between rectangular cutouts through top of member 24A)* and bottom *(region including the length of member 24A)*, said top and intermediate

portions defining a storage region and said bottom portion defining a dispensing region (Figure 1 and 2).

14. Referring to claims 13, 23, 29 and 32. See claim 12. In regards to claim 13 and 23, Wittern as modified by Thompson teaches each of the plurality of stiffening elements 35 and 36 (Thompson) being stamped onto the material sheet (Figure 2, 9 and 14, Col. 2 line 13).

In regards to claims 29 and 32, although Wittern Thompson, Percy, Newbury do not explicitly disclose a method of using their apparatus, the method steps recited in the claim would inherently be performed when using the apparatus of Wittern as modified by Thompson Percy and Newsbury as discloses above in its usual and expected fashion.

15. Referring to claim 21. In regards to claim 21, Wittern as modified by Thompson teaches of stamping an arcuate configuration in the planar surface of the shelf member 34. The reinforcing extends across the entire planar surface of the shelf.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the column wall as taught by Wittern, by the teaching of Thompson and include a plurality of stiffening elements that extent across the surface in the three regions and separately enclosed in the individual top, bottom and intermediate portions of the column wall. As a result the reinforcing elements can be increased depending on the size of the column wall and the load carried by the separate sections thus making the column wall resistant to bending.

16. Referring to claim 25. Wittern as modified by Percy discloses the alignment member 70 formed in the dispensing region (Figure 4) on the column wall.

17. Referring to claim 26. In regards to claim 26, Wittern as modified by Percy discloses the alignment member 70 includes a guide element surface (curved surface of the alignment member) wherein the guide element surface being adapted to guide the product container 38 away from the column wall 44 and toward the front flange 48 (Figure 4, Col 5 line 12-20).

18. Referring to claims 27 and 30. See claim 3. In regard to claim 27, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the column wall as taught by Wittern, by the teaching of Thompson, and include individually placed decoupling stiffening members 35 and 36 in each of the top, bottom and intermediate portion of the column walls. Furthermore, the decoupling elements 35 and 36 can be arranged below the alignment member 70 (Percy). The stiffening members 35 and 36 would act in minimizing the forces transferred to the bottom portion of the dispensing area.

In regards to claim 30, although Wittern, Thompson, Percy, Newbury do not explicitly disclose a method of using their apparatus, the method steps recited in the claim would inherently be performed when using the apparatus of Wittern as modified by Thompson Percy and Newsbury as discloses above in its usual and expected fashion.

Allowable Subject Matter

19. Referring to claims 10 and 33. Claims 10 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in the independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

RK

Kathy Matecki

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